

REMARKS

This Application has been reviewed in light of the Office Action mailed March 17, 2005. All pending claims 1-25 were rejected in the Office Action. Applicants respectfully request reconsideration and allowance of all pending Claims 1-25.

Section 102 Rejections

Claims 1-19 and 23-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0147513 A1 issued to Goodman (“*Goodman*”). Applicants respectfully traverse this rejection for the reasons discussed below.

Claim 1 is directed to a communication coupling including a switch coupled with a first communication port. The switch has a first position in which the first communication port is operable to receive a first communication signal from the network component using the first path of communication and is operable to transmit a second communication signal to the network component using the second path of communication. The switch also has a second position in which the first communication port is operable to receive the first communication signal from the network component using the second communication path and is operable to transmit the second communication signal to the network component using the first communication path.

Regarding Claim 1, *Goodman* does not disclose each of the above limitations. Instead, *Goodman* discloses “a switch connected in series with [a] bypass path, said switch breaking the connectivity of said path at one setting, and having substantially no effect on the system when at a second setting.” *Goodman*, Claim 2; *see also* figure 8, item 890. “[C]losing the switch passes Ethernet band signals from terminal 712 to terminal 722 through high-pass filter 880.” *Goodman*, ¶ 65. Therefore, *Goodman* does not disclose a switch having a first position in which the first communication port is operable to receive a first communication signal from the network component using the first path of communication and is operable to transmit a second communication signal to the network component using the second path of communication and the switch having a second position in which the first communication port is operable to receive the first communication signal from the network

component using the second communication path and is operable to transmit the second communication signal to the network component using the first communication path. For at least these reasons, Applicants respectfully submit that Claim 1 is patentably distinguishable from *Goodman* and request that the rejection of Claim 1 be withdrawn.

Claims 2-9 depend from Claim 1 and are therefore patentably distinguishable from *Goodman* for at least the same reasons as discussed above with regard to Claim 1.

Claim 10 recites: A communication coupling, comprising:

a first communication port having first and second paths of communication with a network component, and operable to receive a first communication signal from the network component using the first path of communication;

a second communication port operable to transmit the first communication signal to a communication system;

a third communication port operable to receive a second communication signal from the communication system; and

the first communication port further operable to transmit the second communication signal to the network component using the second path of communication.

Regarding Claim 10, the Office Action states that terminal 312 of *Goodman* is “a first communication port”, that port 318 of *Goodman* is “a third communication port”, and that port 318 is operable to receive a second communication signal from hub 340. *See* Office Action, page 3. Assuming for arguments sake only that this characterization of *Goodman* is appropriate, *Goodman* still does not disclose “the first communication port further operable to transmit the second communication signal to the network component using the second path of communication.” Port 318 of *Goodman* is coupled for communication with terminal 324 and not terminal 312, therefore, terminal 312 is not operable to transmit the second communication signal. *See Goodman*, figure 3.

Moreover, *Goodman* does not disclose a first communication port having first and second paths of communication with a network component. Instead, *Goodman* discloses “a first port for coupling to the telephone wiring network and providing a communication path in a first data band of frequencies above the voice band between the communication module and the telephone exchange over the telephone wiring network.” *See Goodman*, ¶ 16 (emphasis added). For at least these reasons, Applicants respectfully submit that Claim 10 is patentably distinguishable from *Goodman* and request that the rejection of Claim 10 be withdrawn.

Claims 16 and 23 include similar limitations to those discussed above regarding Claim 10. Claims 11-15 depend from Claim 10, Claims 17-19 depend from Claim 16, and Claims 24 and 25 depend from Claim 23. Therefore, Claims 11-19 and 23-25 are patentably distinguishable from *Goodman* for at least the same reasons as discussed above with regard to Claim 10.

Section 103 Rejections

Claims 20-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Goodman*, as set forth above in view of U.S. Patent No. 6,222,910 B1 issued to Price et al. (“*Price*”).

Claim 20 includes similar limitations to those discussed above regarding Claim 10, and Claims 21 and 22 depend from Claim 20. The cited portions of *Price* do not provide the elements missing from *Goodman*, as discussed above. Therefore, Claims 20-22 are patentably distinguishable from *Goodman* and *Price* for at least the same reasons as discussed above with regard to Claim 10.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Luke K. Pedersen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6655.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003

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Correspondence Address:

Customer Number

05073